WPSS 307 of 2007

Hon'ble M.M. Ghildiyal, J.

Heard Sri C.K. Sharma, learned counsel for the petitioners and Sri N.P. Shah, learned Standing Counsel for the respondents.

By means of this writ petition, the petitioners have prayed for the following relief:-

1. Issue a writ, order or direction in the nature of mandamus directing the respondents to grant the benefit of gratuity and the benefit of computation at the rate of 40% in pursuance to the Government Order No. 568/XXIV (1)/2006-26/2006 dated 24.8.2006 and in pursuance to office memo No. 2363/15-8-98/3004(2)-98 Lucknow 17 Octovber, 1998.

2. Issue any other order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

3. Award the costs of petition.

The respondents have filed their counter affidavit. In para 7 of the counter affidavit, it is stated as under:-

"However, it is stated that as the previous G.O. dated 24.8.206 was not clear about the Gratuity for Teacher/employees of Basic Siksha Parishad Schools so it was not possible for the answering respondent to give the same to them but now vide G.O. No. 409/XXIV (1)/2007-26/06 dated 24.8.2007, it has been clarified that the services rendered by Teacher/employees in Basic Siksha Parishad Schools shall be counted with the services rendered by them in the Government Schools and they shall be entitled for Gratuity, the answering respondent has no objection in sanctioning the Gratuity to the petitioners."

In view of the above averment made in para 7 of the counter affidavit, it is expected from the respondents that the petitioners shall be paid the gratuity in accordance with law as early as possible.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M.G., J.)

12.12.2007

VKS